

OPINION
51-147

July 16, 1951 (OPINION)

SCHOOLS

RE: Agricultural Not Entitled to Emergency Relief

We have your request for an opinion as to whether or not county agricultural and training schools are entitled to the benefits of chapter 115-40 of the 1943 Code.

The answer to this question depends upon the meaning of the word "School district" as used in chapter 15-40. Your question pertains specifically to the Walsh County Agricultural School in Park River and under the law said school is organized as a county unit.

It is our opinion that when the word "district" or "school district" is used in chapter 15-40 it did not contemplate the county of Walsh where the school is located and which school was founded after a petition had been filed by the people of Walsh County and after the Commissioners of Walsh County had acted upon such petition and created the school.

We believe that this agricultural school is a separate and distinct unit and that Walsh county cannot in this instance be referred to or considered a school district.

It is true that agricultural schools such as are affected in this proposition receive support from the high school tuition fund, but this is by virtue of an express statement in the law to that effect.

There is no such specific statement with reference to the emergency provisions provided for in chapter 15-40, and it is our opinion that the emergency relief provided for in chapter 15-40 is not available to agricultural schools.

ELMO T. CHRISTIANSON

Attorney General